

EXHIBIT 3

From: Michaels, Jessica A. <JMichaels@mayerbrown.com>
Sent: Wednesday, August 29, 2018 8:18 PM
To: Hughes, John; Hastert, Ethan A.; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.; Bronson, Kent; Provance, Matthew D.
Subject: RE: DMS. CDK Search terms to Dealership Plaintiffs Proposal

John –

Thank you for the additional information. Based on the “all-in” hit count associated with CDK’s August 27 proposal, we are not inclined to agree to further modifications to those terms beyond any corrections that may be needed for syntax errors. To the extent that corrections needed to fix any syntax errors are not apparent, we are happy to assist Dealership Plaintiffs in determining the proper modifications. And of course, we remain at issue regarding the 42 search terms (identified in footnote 1 to our August 27 letter) that the Dealership Plaintiffs refuse to run (or test) on purported relevance grounds.

Best regards,
Jessica

Jessica A. Michaels
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From: Hughes, John [mailto:jhughes@milberg.com]
Sent: Tuesday, August 28, 2018 10:52 PM
To: Michaels, Jessica A.; Hastert, Ethan A.; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.; Bronson, Kent; Provance, Matthew D.
Subject: Re: DMS. CDK Search terms to Dealership Plaintiffs Proposal

Jessica,

Please find the attached correspondence and counter-proposals.

John

John Hughes
Attorney at Law*
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From: Michaels, Jessica A. <JMichaels@mayerbrown.com>
Sent: Monday, August 27, 2018 11:57:51 PM
To: Hughes, John; Hastert, Ethan A.; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.; Bronson, Kent; Provance, Matthew D.
Subject: RE: DMS. CDK Search terms to Dealership Plaintiffs Proposal

John –

Please see the attached correspondence.

Jessica

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From: Hughes, John [mailto:jhughes@milberg.com]
Sent: Monday, August 27, 2018 11:14 AM
To: Hastert, Ethan A.; Michaels, Jessica A.; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.; Bronson, Kent; Provance, Matthew D.
Subject: Re: DMS. CDK Search terms to Dealership Plaintiffs Proposal

Ethan,

We are available at 1:30 pm EST to discuss. If that time isn't a possibility, 4:30 pm is also an option.

We can use this call-in

1(888) 337-0215
Passcode: 7772426

Thanks much,
John

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From: Hastert, Ethan A. <EHastert@mayerbrown.com>
Sent: Monday, August 27, 2018 11:27:02 AM
To: Hughes, John; Michaels, Jessica A.; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.; Bronson, Kent; Provance, Matthew D.
Subject: RE: DMS. CDK Search terms to Dealership Plaintiffs Proposal

John,

Are you available this afternoon to meet and confer on CDK's proposed search terms to Dealership Plaintiffs? If so, please suggest a time. Thank you.

Best,

Ethan

Ethan A. Hastert
Mayer Brown LLP
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Chicago, Illinois 60606-4637

From: Hughes, John [mailto:jhughes@milberg.com]
Sent: Friday, August 24, 2018 2:52 PM
To: Michaels, Jessica A.; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.; Bronson, Kent
Subject: Re: DMS. CDK Search terms to Dealership Plaintiffs Proposal

Jessica and Ethan,

Please find the attached correspondence and search term modifications in pdf and word.

Best,
John

John Hughes
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From: Michaels, Jessica A. <JMichaels@mayerbrown.com>
Sent: Wednesday, August 22, 2018 4:01:48 PM
To: Hughes, John; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.; Bronson, Kent
Subject: RE: DMS. CDK Search terms to Dealership Plaintiffs Proposal

John –

As discussed during our meet-and-confer this afternoon, please find CDK's response to Dealership Plaintiffs' proposed search term revisions.

Best,
Jessica

From: Hughes, John [mailto:jhughes@milberg.com]
Sent: Tuesday, August 21, 2018 3:49 PM
To: Michaels, Jessica A.; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.; Bronson, Kent
Subject: RE: DMS. CDK Search terms to Dealership Plaintiffs Proposal

Jessica –

We are available at 2pm Central/3pm Eastern and can use the call in below.

Phone: 1.888.337.0215
Passcode: 7772426

Thanks,
John

From: Michaels, Jessica A. [mailto:JMichaels@mayerbrown.com]
Sent: Tuesday, August 21, 2018 4:31 PM
To: Hughes, John; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.
Subject: RE: DMS. CDK Search terms to Dealership Plaintiffs Proposal

John –

I think our emails may have just crossed. Let me know if either of the proposed times work for your team. We are available tomorrow between 2 PM and 4 PM Central or Thursday at 1:30 PM Central.

Jessica

From: Hughes, John [mailto:jhughes@milberg.com]
Sent: Tuesday, August 21, 2018 3:29 PM
To: Michaels, Jessica A.; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.
Subject: RE: DMS. CDK Search terms to Dealership Plaintiffs Proposal

Jessica,

We have not heard a response from our August 17 email below. We remain open to discuss the search term proposals and are generally available tomorrow for a meet and confer.

Thank you,

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From: Hughes, John
Sent: Friday, August 17, 2018 1:28 PM
To: Michaels, Jessica A.; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.
Subject: Re: DMS. CDK Search terms to Dealership Plaintiffs Proposal

Jessica,

We agree that whatever search terms the parties agree to now will be run across the entire eventual collections for all Dealership Plaintiff Custodians.

After running the search terms proposed in our August 11 letter against 4 additional custodians, our search term proposal remains the same. The lone exception is an alteration to #46 which applies a more generous proximity modifier in order to correct a technical issue. A hit report reflecting the additional collections is attached to this email.

We hope these representations will allow CDK to engage in negotiations. If you are willing to engage in a meet and confer on the proposed modifications, we suggest a call at 2:00 PM Eastern on Monday, August 20.

Thank you,

John Hughes
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From: Michaels, Jessica A. <JMichaels@mayerbrown.com>
Sent: Wednesday, August 15, 2018 11:38 AM
To: Hughes, John; FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.
Subject: RE: DMS. CDK Search terms to Dealership Plaintiffs Proposal

John –

We received your letter and proposed modifications over the weekend. We appreciate the hit counts and proposed modifications from your side—which is, as we have previously expressed, a step in the right direction. As you can imagine, our concern is that the Dealers have only collected and tested the search terms on ESI from two out of 28 agreed-upon custodians. Terms that could appear “burdensome” or “overbroad” for just two custodians may return reasonable results when applied to all 28 custodians. But more importantly, we are hesitant to negotiate and, assuming we can do so, agree upon search terms at this juncture only to potentially be told we need to renegotiate some or all of those terms once the ESI from remaining custodians is collected and tested. Thus, we need to understand whether plaintiffs are proposing to agree that whatever terms we might agree to now will be run across all the custodians’ ESI, as is—*i.e.*, regardless of the number of hits that a given term might generate when run against the entire population. If that is not your proposal, then we are not sure it would be productive to respond with a counter-proposal to your proposed modifications (a number of which we disagree with) until more data has been collected and tested—and your letter gives no indication of when that might be.

As previously stated, we remain open to engaging in productive meet-and-confer efforts while the filed motions to compel are pending in a good-faith effort to find some common ground on this issue. Our offer to do so, of course, is without prejudice to the issues and arguments we raised in our motion to compel, which we do not believe are addressed by the Dealers’ August 11 letter.

Regards,
Jessica

From: Hughes, John [mailto:jhughes@milberg.com]
Sent: Saturday, August 11, 2018 11:20 AM
To: FW-CLIENT-CDK-MDL-Team
Cc: DMSTeam; Ho, Derek T.; Nemelka, Michael N.; Rudofsky, Benjamin L.
Subject: DMS. CDK Search terms to Dealership Plaintiffs Proposal

Counsel,

please see the attached correspondence and search terms proposals.

Thank you,

John Hughes
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